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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,405	09/10/1999	CHRISTOPHER J. HOWARD	003936.P001X	2647

21127 7590 02/20/2002

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 02/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/393,405

Applicant(s)

HOWARD, CHRISTOPHER J.

Examiner

PIERRE E. ELISA

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/17/2002.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 24-43, 62-64, 78-80, AND 95-110 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-43, 62-64, 78-80, AND 95-110 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed on 1/17/2002.
2. Claims 1-23, 44-61, 65-77, 81-94 are canceled and claims 95-110 are added.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claims 95, 101, 104, 107, and 109 are directed to a computer program, as such they are considered as non-statutory functional descriptive material. Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process. In order for such a program to be considered statutory, the program should be claimed as embedded in a storage medium.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 24-43, 62-64, 78-80, and 95-110 are rejected under 35 U.S.C. 102 (e) as being anticipated by Dykes et al. (U.S. Pat. No. 5,872,915).

As per claim 24-36, 40, 62-64, and 78-80, Dykes discloses a computer system/method for providing security checking for software applications accessed via the WWW (which is seen to read as Applicant's claimed invention wherein it is stated that a system for protecting content distributed through a network), comprising:
presenting content within a browser window of the web browser (**see., abstract, lines 1-10, col 3, lines 22-58, col 4, lines 47-57, please note that NETSCAPE is capable of presenting content or object within a browser window of the web browser**); and
disabling a disallowed user function when the content is within the browser window (**see., abstract, lines 1-10, col 3, lines 22-58, col 4, lines 47-57, please note that NETSCAPE is capable of disabling and disallowed user function**).

As per claims 37-39, 41, Dykes discloses the claimed method, wherein the content comprises user perceivable information in a hyper-text markup language (HTML) format (**see., col 5, lines 10-27, col 8, lines 16-29**).

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As per claims 42, Dykes discloses the claimed method, wherein the content comprises user perceivable information in a common gateway interface (CGI) language format (see., fig 4, element 420).

As per claim 43, Dykes discloses the claimed method, wherein the content comprises user perceivable information in a JAVA language format (see., col 8, lines 16-29).

As per claims 95, 97, 98, 100, 101, 103, 104, 105, 107, 109, and 110, Dykes discloses a computer system/method for providing security checking for software applications accessed via the WWW (which is seen to read as Applicant's claimed invention wherein it is stated viewer program operatively connect able to a source of content, the viewer program having a plurality of functions related to presenting the content from the source), the method comprising the steps of: receiving content from the source (see., abstract, lines 1-10, col 3, lines 22-58, figs 2-4, specifically wherein it is stated that data stream may be presented to web server application...., please the web server is receiving content from the client workstation); receiving function authorization data indicating which of the viewer functions may be performed on the content from the source (see., abstract, figs 2-4, col 4, lines 33-67, col 5, lines 1-62, col 9, lines 7-65, gateway or authorization);

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presenting the content with the viewer program (**abstract, lines 1-10, col 3, lines 22-58, col 4, lines 47-57, please note that NETSCAPE is capable of presenting content or object with the viewer program or within a browser window of the web browser**);

disabling selected viewer functions in accordance with the function authorization data received from the source (**see., abstract, lines 1-10, col 3, lines 22-58, col 4, lines 47-57, please note that NETSCAPE is capable of disabling viewer or user function**).

As per claim 96, 99, 102, 106, and 108, Dykes discloses the claimed method, wherein the disabled viewer functions are selected from the group consisting of print, page set-up, save, save as, view source, save picture as, set as wallpaper, copy, screen capture, print screen and cut functions (**see., col 4, lines 47-57, please note the NETSCAPE is capable of doing the limitations above such as print, page set-up, save, save as, view source, save picture as, set as wallpaper, copy, screen capture, print screen and cut functions**).

Conclusion

6. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

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Any response to this action should be mailed to :

Commissioner of Patents of Trademarks

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or faxed to :

(703) 308-9051, (for formal communications intended for entry)

OR :

(703) 305-9724, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA., Sixth floor (receptionist).

The Official Fax Numbers for TC-2100 are:

After-final (703) 746-7238

Official (703) 746-7239

Non-Official/Draft (703) 746-7240



Pierre Eddy Elisca

Patent Examiner

February 14, 2002